

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 1:12-CV-10935-MLW

DUANE ALVES,

Plaintiff,

Vs.

JOHN DALY, JAMES HYDE, ARIEL COLLAZO,
CHRISTOPHER BORUM, LUIZ MARTINEZ,
JONATHAN WELCH, EDMOND M. RICHARDI,
NORTH STREET STEAK HOUSE AND SPORTS
BAR, INC. AND FIDDE REALTY, LLC,

Defendants.

**MOTION OF DEFENDANT CHRISTOPHER BORUM
TO SET ASIDE DEFAULT PURSUANT TO FED. R. CIV. PRO. 55(c)**

**ASSENTED TO BY COUNSEL FOR DEFENDANTS,
JONATHAN WELCH AND NORTH STREET STEAK HOUSE
AND SPORTS BAR, INC.**

The defendant Christopher Borum respectfully requests that this Honorable Court set aside the default that has entered against him in this case pursuant to Fed R. Civ. P. 55(c) and allow him to file Answers to cross claims of defendants, Jonathan Welch and North Street Steak House and Sports Bar, Inc. In support of this motion, the undersigned counsel provides grounds to set aside the default as follows:

I. Background

The plaintiff filed his Complaint on May 24, 2012 against the nine named defendants, including Christopher Borum. On April 2, 2013, the plaintiff filed an Amended Complaint against all defendants. Service of the complaint was not obtained on Christopher Borum until April 30, 2013. He timely filed his Answer. In the

As amended
Welch. DJ
4/4/14